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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 NEW BALANCE, INC.,

Case No. 2:14-cv-01937-JCM-PAL

8 Plaintiff,

ORDER

9 v.

(Mot. To Withdraw – Dkt. #12)

10 LaCROSSE TECHNOLOGY, LLC, et al.,

11 Defendants.

12 This matter is before the court on Mark A. Solomon's, of Solomon Dwiggin & Freer,
13 Motion to Withdraw as Counsel for Defendant LaCrosse Technologies, LLC (Dkt. #12),
14 Declaration (Dkt. #13), and Plaintiff's Statement of Non-Opposition (Dkt. #14). The motion
15 represents that Mr. Solomon was retained by LaCrosse Technologies, LLC ("LaCrosse") for the
16 limited purpose of drafting and filing an answer to Plaintiff's complaint. The Answer (Dkt. #10)
17 was filed January 16, 2015. Mr. Solomon subsequently attempted to contact LaCrosse to inquire
18 as to whether further representation was needed. However, LaCrosse has not responded. As
19 such, there has been a breakdown in communications between Mr. Solomon and LaCrosse which
20 makes it difficult for Mr. Solomon to represent LaCrosse's interests. Mr. Solomon, therefore,
21 seeks leave to withdraw as counsel of record.

22 This matter is also before the court on Defendant LaCrosse Technology, LLC's
23 ("LaCrosse") failure to file a Certificate as to Interested Parties as required by LR 7.1-1. The
24 Complaint (Dkt. #1) in this matter was filed November 4, 2014. Defendant LaCrosse filed its
25 Answer (Dkt. #10) January 16, 2015. LR 7.1-1(a) requires, unless otherwise ordered, that in all
26 cases (except habeas corpus cases) counsel for private parties shall, upon entering a case, identify
27 in the disclosure statement required by Fed. R. Civ. P. 7.1 all persons, associations of persons,
28 firms, partnerships or corporations (including parent corporations) which have a direct,

1 pecuniary interest in the outcome of the case. LR 7.1-1(b) further states that if there are no
2 known interested parties other than those participating in the case, a statement to that effect must
3 be filed. Additionally, LR 7.1-1(c) requires a party to promptly file a supplemental certification
4 upon any change in the information that this rule requires. To date, Defendant LaCrosse has
5 failed to comply.

6 Having reviewed and considered the matter, and for good cause shown,

7 **IT IS ORDERED** that:

8 1. Mark A Solomon's, of Solomon Dwiggin & Freer, Motion to Withdraw as
9 Counsel for Defendant LaCrosse Technologies, LLC (Dkt. #12) is **GRANTED**.

10 2. Because LaCrosse Technologies, LLC is a corporation, and a corporation cannot
11 appear except through counsel (*see Rowland v. California Men's Colony*, 506 U.S. 194,
12 201-02 (1993); *United States v. High Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir.
13 1993)) LaCrosse Technologies, LLC shall have until **February 26, 2015**, in which to
14 retain substitute counsel who shall make an appearance in accordance with the
15 requirements of the Local Rules of Practice.

16 3. Defendant LaCrosse Technologies, LLC shall file its certificate of interested
17 parties, which fully complies with LR 7.1-1 **no later than 4:00 p.m., February 26,**
18 **2015.**

19 4. LaCross Technologies, LLC's failure to timely comply with this order by either
20 failing to obtain substitute counsel or failing to file a certificate of interested parties may
21 result in the imposition of sanctions which may include a recommendation to the district
22 judge that a default judgment be entered against it for failure to prosecute.

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